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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,595	01/30/2004	Yaling Fan	STL11288.00	7053

7590 11/02/2007
Fellers Snider Blankenship Bailey & Tippens
Bank One Tower
100 North Broadway
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Oklahoma City, OK 73102-0621

EXAMINER

MERCEDES, DISMERY E

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/768,595	Applicant(s) FAN ET AL.	
	Examiner Dismery E. Mercedes	Art Unit 2627	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: 30,32,35 and 39.
 Claim(s) rejected: 28-29,31,33-34,36-38,40-51.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: As to Claim 28, Applicant argues that the interpretation given to the limitation "blower assembly" is inconsistent with the specification of the present invention. However, the Examiner respectfully disagrees. The cited reference Balster et al., the examiner cited col.2, line 51-col.3, line 15, wherein Balster is relied upon for disclosing a flow control device adjacent to a nozzle and provides air pressure (flow of air) and Balster further discloses that although a vacuum pump is described, other means or device that creates sub-ambient pressure adjacent to the suspension may be used (i.e. a blower assembly). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus as disclosed by Ou-Yang et al. by implementing a flow control (i.e. blower assembly) as disclosed by Balster et al., the motivation being to allow the head to fly at any height without introducing undesirable slider angle thus reducing the chances of head crash (see col.1, lines 55-58). As to Claim 38, Applicant argues that the vacuum pump taught by Balster, provides suction to both the upstream and the downstream and not "solely to the upstream leading edge." However, the Examiner respectfully disagrees. Balster discloses a vacuum assembly for providing vacuum pressure and Ou-Yang et al. discloses wherein the airflow is being provided to the desired direction, leading or trailing area of the assembly (abstract and col.4, line 55 - col.5, line 64 wherein the air flow is provided either to the leading stream or the downstream direction). Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to provide a vacuum pump as disclosed by Balster to the shroud surface disclosed by Ou-Yang, the motivation being to allow the head to fly at any height without introducing undesirable slider angle thus reducing the chances of head crash (see col.1, lines 55-58). As to Claim 48, refer to the same rationale as discussed in claim 38 above.



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10/21/07